

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

LAURA L. BRILL, Individually and on Behalf)
of All Others Similarly Situated,

Plaintiff,

vs.

INVIVYD, INC., TILLMAN U.
GERNGROSS, and LAURA WALKER,

Defendants.

No. 1:23-cv-10254-JEK

**LEAD PLAINTIFFS' UNOPPOSED
MOTION FOR CONTINUANCE OF
HEARING SET FOR APRIL 30, 2024**

Lead Plaintiffs Robyn Fizz and Gerald Hass (“Lead Plaintiffs”) respectfully move for a brief continuance of the hearing on Defendants’ Motion to Dismiss the Second Amended Complaint for Violations of the Federal Securities Laws (ECF 36) (the “Motion”) for the following reasons:

1. On January 12, 2024, Defendants Invivyd, Inc., Tillman U. Gerngross, and Laura Walker (“Defendants”) moved to dismiss the operative complaint in this matter. ECFs 36-38. Lead Plaintiffs filed their opposition to the Motion on February 26, 2024 (ECF 39), and Defendants filed their reply brief in support of the Motion on March 27, 2024 (ECF 42). The Motion is now fully briefed.

2. On April 1, 2024, the Court issued an electronic notice setting a hearing on the Motion for Tuesday, April 30, 2024 at 2:00 p.m. (the “Hearing”). ECF 43.

3. Lead Plaintiffs’ counsel, Stephen R. Astley, has a previously scheduled and paid for trial preparation engagement on April 30, 2024, that conflicts with the Hearing. The engagement also involves numerous other attorneys, paraprofessionals, experts, and consultants who are themselves traveling from around the country. Mr. Astley has further planned and paid for travel from May 2, 2024 through May 5, 2024. Lead Plaintiffs’ counsel, Michael I. Fistel, Jr., is similarly conflicted the week of April 29, 2024, with prior commitments in New York, New York (conference), Las Vegas, Nevada (hearing), and Los Angeles, California (mediation).

4. Therefore, after consultation with counsel for the Defendants, who do not oppose the filing of this motion, counsel for Lead Plaintiffs respectfully request that the Hearing be continued to May 7, 2024 (afternoon), May 8, 2024 (morning), May 9, 2024 (morning), May 10, 2024 (morning), or an alternative date convenient to the Court.

DATED: April 3, 2024

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s/ Stephen R. Astley
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Attorneys for Lead Plaintiffs and Lead Counsel
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LOCAL RULE 7.1(A)(2) CERTIFICATE

I HEREBY CERTIFY that on April 3, 2024, counsel for Lead Plaintiffs conferred with counsel for Defendants, who do not oppose this motion.

s/ Stephen R. Astley

STEPHEN R. ASTLEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 3, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Court's Electronic Mail Notice List, and I hereby certify that I have caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Court's Manual Notice List.

s/ Stephen R. Astley

STEPHEN R. ASTLEY